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A PROFESSIONAL LIMITED LIABILITY COMPANY

July 21, 2023

**VIA ECF**

Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007

**Re:    Ashleigh Awusie v. Hudson Yards Catering, LLC, et al.**  
**Case No.: 1:22-cv-03162-PAE**

Dear Judge Engelmayer:

We represent the Plaintiff in the above-referenced case. We write, pursuant to Rule 2(c) of Your Honor's Individual Practice Rules and Local Civil Rule 37.2, regarding Defendants' failure to furnish discovery requests on Plaintiff, and Defendants' failure to respond to Plaintiff's discovery requests. As such, Plaintiff respectfully requests an informal conference on this matter.

On January 19, 2023, the parties attended a telephonic Initial Pre-Trial Conference with Your Honor. Following that conference, Your Honor had approved the parties' proposed Case Management Plan, which set forth that initial requests for production, as well as interrogatories, would be served by February 17, 2023, with answers to be served within thirty (30) days pursuant to FRCP 33(b)(2). The end fact discovery deadline was set for May 19, 2023, at that time.

As agreed, on February 17, 2023, Plaintiff served her interrogatories and document demands to Defendants via email to save on unnecessary expense. Plaintiff advised Defendants that if they preferred a hard copy, that it would be produced. Plaintiff did not receive Defendants' demands or interrogatories at that time.

By March 29, 2023, over a month after requests were due, and about a week after responses were due, Plaintiff had received neither from Defendants. That day, Plaintiff's counsel emailed Defendants' counsel to follow up on the discovery demands and responses. On April 4, 2023, Defendants' counsel emailed Plaintiff and advised they planned to serve requests and responses. Plaintiff proposed a call with Defendants to resolve the dispute before addressing the Court.

On April 6, 2023, the parties spoke on the phone regarding the outstanding requests and responses. During the call, Defendants again repeated that they intend to serve responses and document demands. The next day, on April 7, 2023, Plaintiff contacted Defendants again

regarding discovery. After not hearing back from Defendants', Plaintiff sent yet another follow-up email on April 11, 2023, requesting a phone call. Plaintiff received a response from Defendants on Monday, April 17, 2023, and the parties conferred again on April 18, 2023.

On April 25, 2023, after still not receiving discovery requests or responses, Plaintiff's counsel followed up with Defendants' counsel again via email. Plaintiff did not receive a response to this email.

On May 15, 2023, after Plaintiff's counsel emailed Defendants' counsel advising them of the fact discovery deadline, Defendants requested consent to file a joint request for an extension of deadlines. In an act of good faith, Plaintiff consented to this extension. However, to date, Defendants have still not produced any discovery requests or responses.

We are now quickly approaching August 18, 2023, the fact discovery deadline date set forth in ECF 22. Because there has been no exchange of documents due to inaction on the part of Defendants, to date, no depositions have taken place. On July 17, 2023, Plaintiffs' counsel sent a final email to Defendants' counsel, requesting correspondence on the document demands before having to contact the Court. Plaintiff is writing Your Honor today because we did not receive a response to this email.

Defendants' refusal to furnish interrogatories, document demands, and responses to Plaintiff's demands, has created an unnecessary delay in this litigation. Plaintiff has acted in good faith by attempting to cooperate with Defendants, with no such cooperation in return. Plaintiff respectfully requests that Defendants be compelled to produce interrogatories, document demands, and responses to Plaintiff's interrogatories and demands, and be subjected to sanctions which the Court finds appropriate.

We thank Your Honor in advance for your consideration in this matter.

Respectfully Submitted,

/s/ Laura E. Bellini, Esq.  
**PHILLIPS & ASSOCIATES, PLLC**  
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The Court directs defendants to respond to plaintiff's account with specificity by **July 26, 2023**.

SO ORDERED.



PAUL A. ENGELMAYER  
United States District Judge  
July 21, 2023